

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

MANDY LAWRENCE, ET AL

CIVIL ACTION NO. 21-cv-3582

VERSUS

JUDGE ELIZABETH E. FOOTE

AMERIFIELD INC, ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

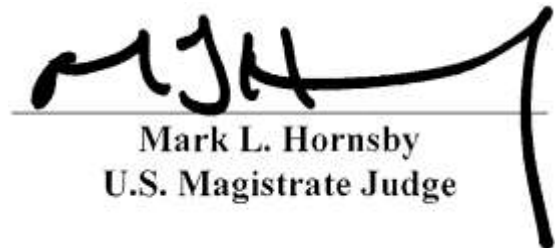
This case was removed based on an assertion of diversity jurisdiction, which requires the court to ensure that there is complete diversity of citizenship and an amount in controversy in excess of \$75,000. The notice of removal appears to adequately allege those elements, but there is an issue presented in this case by the intervenor complaint filed by Shelter Insurance Co. in the state court proceedings prior to removal. Shelter alleges that it had a policy of insurance on the Plaintiff's Ford Expedition and that it paid a property damage claim of \$17,121. Shelter asserts that it is subrogated to the rights of Plaintiff to recover that amount from the defendants.

When a party attempts to intervene in a diversity case, the court does not have supplemental jurisdiction over the proposed intervention unless (1) there is diversity of citizenship between the intervenor and the defendants and (2) the amount in controversy with respect to the intervention exceeds \$75,000. The amount of Shelter's intervention does not exceed \$75,000. The presence of this intervention could require that the entire case be remanded to state court. See Patterson v. Corvel Corp., 2021 WL 4047391 (W.D.

La. 2021). The report and recommendation on this issue can also be reviewed on Pacer in Patterson, 21-cv-1305, Doc. 17.

When similar issues have arisen in other cases, the parties have sometimes reached an agreement outside the record or otherwise resolved the intervention in a manner that does not impact subject matter jurisdiction. The relevant parties are encouraged to explore this issue and attempt to avoid a jurisdictional problem. Counsel for the removing parties is directed to file a brief status report by **January 10, 2022** regarding whether the intervention/jurisdiction issue has been resolved.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 7th day of December, 2021.



Mark L. Hornsby
U.S. Magistrate Judge